

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEJANDRO COURTNEY,

Plaintiff,

-v-

SAMMMY GROUP LLC *et al.*,

Defendants.
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23 Civ. 5402 (JPC)

ORDER


JOHN P. CRONAN, United States District Judge:

On October 11, 2023, the Court extended Defendant Sammmy Group LLC’s deadline to respond to the Complaint to October 18, 2023, and directed Plaintiff to seek a Certificate of Default only if Sammmy Group failed to respond to the Complaint by that deadline. Dkt. 12. Plaintiff nevertheless requested a Certificate of Default for Sammmy Group on October 13, 2023, Dkts. 14-15, and the Clerk of the Court issued a Court a Certificate of Default later that day, Dkt. 16. Because Sammmy Group’s deadline to respond to the Complaint has not yet passed, a Certificate of Default should not have been issued and it is hereby vacated.

Further, in seeking that Certificate of Default, Plaintiff’s attorney, Glen H. Parker, Esq., declared under penalty of perjury pursuant to 28 U.S.C. § 1746 that “[t]he defendant Sammmy Group LLC has not answered the Complaint and *the time for the defendant Sammmy Group LLC to answer the Complaint has expired.*” Dkt. 15 at 2 (emphasis added). Given that, as noted, the deadline for Sammmy Group to answer the Complaint was extended until October 18, 2023, Mr. Parker’s statement to the Court was inaccurate and misleading. Mr. Parker is strongly cautioned take greater care in his representations to the Court, as further misstatements may result in sanctions.

SO ORDERED.

Dated: October 11, 2023
New York, New York



JOHN P. CRONAN
United States District Judge